IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6074 of 2007()

CRIME NO.520/07 OF PUNALOOR POLICE STATION

: PETITIONER

PREM KAMALASANAN,
AGED 38 YEARS,S/O. LATE DR. KAMALASANAN,
KAMALALAYAM,BHARANIKAVU, PUNALOOR.

BY ADV. SRI.SUDHEENDRAN. K.Y.

RESPONDENTS:

STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM,(S.I. OF POLICE,PUNALOOR POLICE STATION)

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6074 of 2007

Dated this the 8th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. He faces allegations in a crime registered, inter alia, under Section 452 I.P.C. The defacto complainant is the employee of the mother of the petitioner. There is a property dispute consequent to the death of the father of the petitioner. It is alleged that because of such animosity and motive, accused 2 to 5 were sent to the house of the defacto complainant, the employee of the mother of the petitioner by the petitioner and that they had indulged in acts of violence and intimidation. The crime has been registered. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There is no damage suffered by the property. The defacto complainant has not suffered any injury. Consequent to the death of the father of the petitioner, who had executed a Will, there is property disputes between the siblings. Mother takes the side of the sister. The brother in law is interested in falsely implicating the petitioner. The petitioner had occasion to come to this Court and seek police protection for running 2 factories.

Directions were given in favour of the petitioner by this Court in such petition. The defacto complainant is only a name lender to the brother in law of the petitioner in his attempt to vex and harass the petitioner. Except under Section 452 I.P.C, there is no allegation whatsoever raised of having committed any non bailable offences. The petitioner may, in these circumstances, be granted anticipatory bail, submits the learned counsel for the petitioner. The petitioner is willing to abide by any reasonable terms and conditions, submits the learned counsel for the petitioner.

3. Notice was given to the learned Public Prosecutor . The learned Public Prosecutor does not oppose the application. I am satisfied in the facts and circumstances of the case that the petitioner can be granted anticipatory bail.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 15.10.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 16.10.2007 and 17.10.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 15.10.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 15.10.07.

(R.BASANT, JUDGE)

rtr/-